

**INLAND WETLANDS AGENCY
MEETING MINUTES**

June 19 2006

PRESENT: Ken Braga, Margo Wheeler, Christine Murphy and Alternates Jean Burns and Steven Hoffman (arrived 7:35)

ABSENT: Donald McConnell, Sanford Cohen, Kim Flannery

STAFF

PRESENT: Lisa Houlihan, ZEO/Wetland Agent and Kristin Michuad, Recording Secretary

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:34 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the legal notice into record.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #IW200607 – Guy & Jean Burns for a permit to Conduct Regulated Activity within an Area of Influence to enclosed a section of an existing deck in order increase interior living space and to install a patio, retaining wall and landscaping on properties located on 8 & 9 Lake Lane, APNs 149-058-0000 & 149-059-0000.

TIME: 7:35

SEATED: S. Hoffman, M. Wheeler, C. Murphy, K. Braga – (J. Burns – Stepped down due to conflict of interest)

Chairman Braga reviewed the correspondence in file, noting the recommendations from North Central District Health Department fro protecting the well.

Dana Steele, J.R. Russo & Associates reviewed the plan with the commission. The proposed retaining wall is 9 to 10 inches higher than the current elevations. The two access ways to the lake will be maintained and new landscaping will be added.

Gary Wirzulis of 1 Crystal Street, asked if there was a right of way on the property to which Mr. Steele noted the location of the right-of-way through the property and stated that the proposal is just to improve it.

Mr. Wirzulis asked how far away from the lake the retaining wall was proposed to which Mr. Steele replied that it is 7 ½ feet from the lake.

In response to Commissioner Hoffman Mr. Steele stated that 15 yards of fill will be used and there will be more impervious surface with the pavers installed.

Mr. Steele also added that silt fence will be installed around the perimeter of the site and between any work area.

Commissioner Hoffman questioned if an opinion should be sought from the Town Attorney on whether or not improvements should be approved in the area of the public right of way. Discussion ensued and it was the consensus of the commission to seek advice from the Town Attorney.

Ms. Houlihan will consult with the Town Attorney.

MOVED (HOFFMAN), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE JULY 17, 2006, MEETING FOR #IW200607—GUY & JEAN BURNS.

2. #IW200608 – Pioneer Builders of Ellington, Inc. for a permit to Conduct Regulated Activity within Wetlands &/or Watercourses and an Area of Influence for construction of a storm drainage system and wet stormwater management basin with in conjunction with a 10 lot subdivision on property located on 51 Middle Road, APN 043-007-0000.

TIME: 8:10

SEATED: S. Hoffman, M. Wheeler, C. Murphy, K. Braga, J. Burns

Chairman Braga read Buck & Buck's letter dated 6/19/06.

Attorney Kerensky of Kahan, Kerensky, & Capossela, came forward and reviewed the plan with the commission, not that roads will be constructed with this subdivision. The proposal for a 10 lot subdivision, 8 frontage lots and 2 rear lots. Lot 10 has a small portion of land within the wetlands.

Dana Steele of J.R. Russo & Associates stated that there are 9 lots with no wetlands on them and noted the location of the detention basin on lot 10. There will be language in the deed of lot 10 stating that the lot owner is responsible for maintenance of the basin and if for any reason/in the event the town has to perform the maintenance that they have the authority to access the property and place a lien on said property for the fee associated with the maintenance work.

Mr. Steele added that the storm drainage plan being proposed was reviewed with the Town Engineer during preliminary plan review.

Commissioner Hoffman noted that the past farming activity at the site and questioned water run off and its effects to adjacent properties from the proposal.

Mr. Steele replied that the plans will decrease run/off significantly and that the basin has been designed to hold a 100 year storm event.

Several members of the public had concerns with increased water run off and basin. The members of the public were Susan & Paul Stevenson of 45 Middle Road, Warren Schreiber of 52 Middle Road, Mike Burns of 60 Middle Road and Steve Schubert of 48 Middle Road.

MOVED (WHEELER), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF SIGNIFICANCE FOR #IW200608 – PIONEER BUILDERS OF ELLINGTON, INC.

MOVED (HOFFMAN), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200608—PIONEER BUILDERS OF ELLINGTON, INC.

MOVED (MURPHY), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FINDING NO FEASIBLE AND PRUDENT ALTERNATIVE #IW200608—PIONEER BUILDERS OF ELLINGTON, INC.

CONDITIONS: TO FOLLOW EROSION CONTROL PLAN AND DETENTION BASIN TO BE INSTALLED AT THE ONSET OF CONSTRUCTION.

3. #IW200609 – Charles Adams for a permit to Conduct Regulated Activity within an Area of Influence to lower and widen driveway on property located on 2 East Shore Road, APN 149-093-0000.

TIME: 9:15

SEATED: S. Hoffman, M. Wheeler, C. Murphy, K. Braga, J. Burns

Chairman Braga read Buck & Buck's letter dated 6/19/06 and North Central letter dated 6/2/06.

Ms. Houlihan, explained why the notice of violation issued as a result of two complaints received by the planning office. She noted Mr. Adams responsiveness once he was made aware of the regulated activity and permitting process.

Charles Adams reviewed the activity he has been conducting with the commission. He is affecting is 1675' in the area of influence of wetlands by attempting to lower and expand his driveway. He lowered his driveway. He reviewed laymans drawings with the commission. He distributed photos of the activity and displayed samples of soil and rock firm the area of activity. Excessive slopes are present in the area of activity and concern for stabilization is of concern.

Mr. Adams noted the improvements he has conducted in this area over the course of 20+ years and his sense of security with the stability of the bank. He noted plans to provide a walkway from the driveway to dwelling.

Barry Schoentag of 4 East Shore Road, stated that no materials have moved down hill in years and that he is not worried about property damage from Mr. Adams activity.

Ms. Houlihan noted the excessive amount of material placed around a tree present along the bank and how such may compromise the root system. Mr. Adams noted his conversation with his neighbor to the south and that he will have the tree removed.

Chairman Braga noted the Town Engineer's letter and the need for Mr. Adams to provide an engineered plan.

Discussion ensued.

MOVED (WHEELER), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE JULY 17, 2006 MEETING FOR #IW200609—CHARLES ADAMS.

V. NEW BUSINESS:

Discussion to establish deadline for completion of remediation work associated with approvals for Wetlands File #IW200407 – Great Country Garages for Skinner Properties, LLC for a Permit to Conduct Activity

within an Area of Influence &/or Wetlands for a Commercial Development on property located at 120 West Road.

Ms. Houlihan noted that remediation work has been completed, inspected by the Town Engineer and bonding has been released.

1. #IW200610 – Nutmeg Industrial Park, LLC for a permit to Conduct Regulated Activity within an Area of Influence for site plan modification to change paved parking area to gravel parking area on property located at 7 Nutmeg Drive, APN 017-022-0009. (RECEIPT ONLY)

MOVED (WHEELER), SECONDED (MURPHY) AND PASSED (J. BURNS – RECUSED) TO RECEIVE #IW200610 – NUTMEG INDUSTRIAL PARK, LLC.

2. #IW200611 – Gary Mercier for a permit to Conduct Regulated Activity within an Area of Influence for lowering new dam on property located at 91 Sadds Mill Road, APN 088-023-0000. (RECEIPT ONLY)

MOVED (HOFFMAN), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA AND RECEIVE #IW200611 – GARY MERCIER.

IV. UNFINISHED BUSINESS:

1. Discussion to establish deadline for completion of remediation work associated with Show Cause Hearing Regarding Cease and Desist Order, dated December 5, 2005 issued to Shepard Farms for violations within the Shepard Farms Subdivision on Windsorville Road, APN 014-008-0010, 014-008-0011, & 014-006-0015.

Ms. Houlihan noted the status of remediation work, noting that such is complete on the north side of Windsorville Road.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the March 20, 2006 and April 17, 2006 Meeting Minutes.

MOVED (WHEELER), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 20, 2006 MEETING MINUTES.

MOVED (MURPHY), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 17, 2006 MEETING MINUTES.

2. Administrative Agent Permit Report through May 15, 2006.

NO MOTIONS OR DECISIONS

3. Review and adoption of revised Inland wetlands and Watercourses Agency – Application Permit.

BY CONSENSUS SUCH WAS ACCEPTED.

4. Letter to Sunil Unni of 15 Bronisz Drive regarding Administrative Agent Permit application IW2006-0005, for proposed filling and grading activity.

NO MOTIONS OR DECISIONS

5. Correspondence:
 - a. Connecticut Association of Conservation and Inland Wetland Commissions, Inc. (CACIWC membership)

SO NOTED

VI. ADJOURNMENT:

MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:10 P.M.

Respectfully Submitted

Kristin C. Michaud